

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

For Online Publication Only

IRVING LANGER,

X

Plaintiff,

ORDER

19-CV-4388 (JMA)

v.

PAYSAFE DIRECT, LLC,

Defendants.

X

PAYSAFE DIRECT, LLC,

Plaintiff,

v.

IRVING LANGER, SAM SCHWED, PHILIP
GREEN, and KEVIN WEILER,

Defendants.

X

AZRACK, United States District Judge:

Currently pending is a motion to dismiss filed by Counterclaim-Defendants Irving Langer and Philip Green that seeks to dismiss the Amended Counterclaims of Defendant/Counterclaim-Plaintiff Paysafe Direct LLC (“Paysafe”) pursuant to Federal Rule of Civil Procedure 12(b)(6) and, as to Phillip Green, to dismiss for lack of personal jurisdiction. Also pending is a motion to dismiss filed by Counterclaim-Defendant Kevin Weiler that seeks to dismiss the Amended Counterclaims pursuant to Rule 12(b)(6).

I referred the motions to Magistrate Judge Shields for a Report and Recommendation (“R&R”). On March 2, 2022, Judge Shields issued an R&R, which recommends that: (1) Green’s motion to dismiss for lack of personal jurisdiction be granted; and (2) Weiler’s and Langer’s motions to dismiss be granted. Paysafe then filed objections to the R&R.

In reviewing a magistrate judge's report and recommendation on a dispositive motion, a court must "make a de novo determination of those portions of the report or . . . recommendations to which objection[s] [are] made." 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 5-CV-5579, 2006 WL 3851152, at *2 (S.D.N.Y. Dec. 29, 2006). The portions of a report and recommendation to which there are no specific reasoned objections are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

I have undertaken a de novo review of the record, the R&R, the objections, and the response, and I agree with Judge Shields's R&R. The R&R is adopted in its entirety as the opinion of this Court. Accordingly, as set forth in the R&R, the motions to dismiss are GRANTED.

The response filed by Langer and Green also requests that they be awarded attorney's fees. (Response at 13, ECF No. 87.) That request is DENIED.

SO ORDERED.

Dated: September 30, 2022
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE